

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: July 28, 2015		DATE SUBMITTED: June 24, 2015	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Matthew Hilgemeier	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of South College – Business District (SC-B) and South College – Residential District (SC-R) to Planned Development – Housing District (PD-H), being 4.425 acres of land out of the J.E. Scott League, A-50, adjoining the west side of Old College Road between South College and Mobile Avenue in Bryan, Brazos County, Texas (RZ15-05).			
SUMMARY STATEMENT: The applicant/property owner, Justin Whitworth of Bona Fide Acquisitions, LLC has assembled ownership of the subject property, which currently consists of two lots totaling 4.425 acres in size. Mr. Whitworth is requesting to change the zoning classification from a combination of South College –Business District (SC-B) and South College – Residential District (SC-R) to Planned Development – Housing District (PD-H) in order to be able to develop a single-family residential subdivision with lots ranging in size from 5,425 square feet to 8,312 square feet at this location.			
<p>The proposed development (“North Campus Subdivision”) will consist of 20 lots, 18 of which are proposed to be developed with four-bedroom homes. One lot will be developed with an amenity center and off-street parking and another lot will be utilized for required storm water detention. While none of the proposed lots are smaller than the standard 5,000 square feet size typically required for single-family residential lots in Bryan, due to the irregular shape of the overall subject property and the desire of the applicant to maximize development opportunities, lot widths and lot depths are proposed to vary from the standard 50-foot by 100-foot requirement.</p> <p>In an effort to bring the proposed structures as close as possible to the new local street, proposed to extend west from Old College Road, and to provide room for off-street parking to the rear of the new homes, public right-of-way in this subdivision is proposed to be only 30-feet wide instead of the typical 50 feet. These modified lot standards will allow the applicant to have adequate room for off-street parking to the rear of the structures for Lots 1 through 8 and Lots 15 through 18. The desired intent to install parking in the rear of the properties is the creation of a pedestrian-friendly environment along this small street, while still providing an area for a back yard/open space on each property. Due to their configurations, Lots 9 through 13 are proposed to have off-street parking areas located in front of structures. Lots 10 and 11 will have a shared driveway due to their proximity to Timberlake Drive, which serves the adjacent mobile home park.</p> <p>Other features of the proposed development are:</p> <ol style="list-style-type: none"> 1. The minimum width for public street right-of-way shall be 30 feet. 2. An amenity center with additional off-street parking in a common area along Old College Road (Common Area 1) will be available for residents and their visitors to reduce the need for on-street parking. 3. A 6-foot wide sidewalk will be provided on only one side of the street, as shown on the development plan and is proposed to be adjacent to the street curb to provide more green space in front of homes. 			

4. On-street parking will be prohibited along Common Area 1 and adjacent to Lots 13 through 18.
5. One 3-inch caliper canopy tree will be installed in the front yard of each lot and a minimum of 2 trees in Common Area 1.
6. Six 3-inch caliper trees will be installed along the property line adjacent to Old College Road.
7. A 6-foot high wrought iron fence will be constructed along Old College Road with masonry columns spaced at 10-foot intervals.
8. The front of homes facing the new public street shall be offset by a minimum of 2 feet, either closer to, or further away from the street, than the home on adjacent lot(s), to help break the visual plane of the street.

STAFF ANALYSIS AND RECOMMENDATION: During its meeting on June 4, 2015, the Planning and Zoning Commission concurred with staff and unanimously recommended approving this rezoning request.

- The proposed development appears to conform to land use recommendations of the Comprehensive Plan, which suggest the suitability of higher density residential uses located between commercial uses and residential uses of lower density, to provide a useful transition in land use intensities at this location.
- The proposed PD-H District will help serve the increase in demand for single-family style student housing.
- Approving this development could help reduce some of the pressure on land owners to convert owner-occupied housing in neighborhoods to rental housing, thereby preserving the character and integrity of some of Bryan's older, established neighborhoods.
- The proposed PD-H District will ultimately benefit properties zoned for commercial uses in the surrounding area by increasing residential activity near these businesses.
- This proposed development may help improve property utilization, facilitate appropriate use of the subject property, strengthen the area economy, and promote the general welfare of the community.
- This proposed development may increase traffic in the immediate area.

OPTIONS (In Suggested Order of Staff Preference):

1. approve the requested zone change;
2. deny the requested zone change.

ATTACHMENTS:

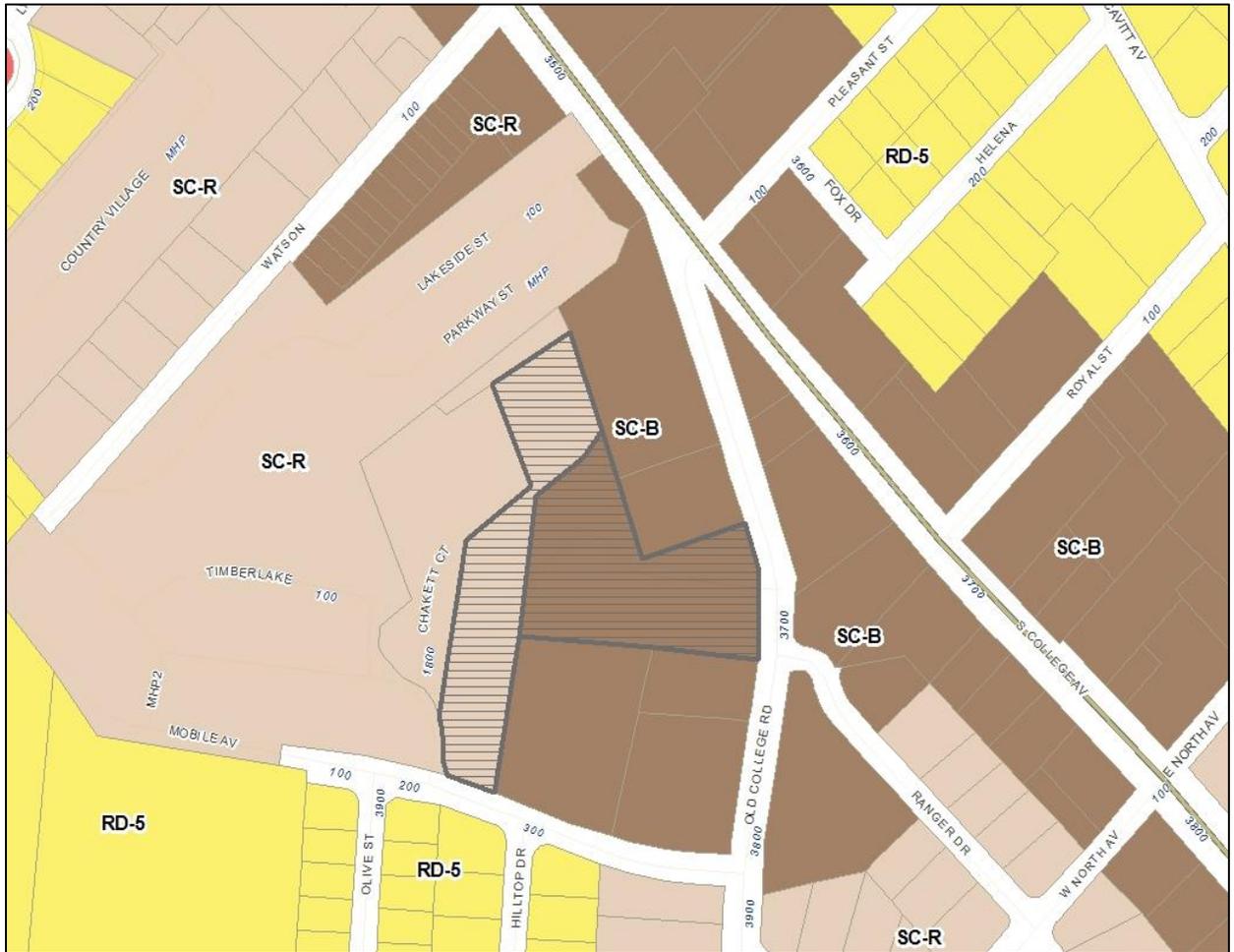
1. location map;
2. draft ordinance;
3. excerpt from P&Z meeting minutes of June 4, 2015; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 6-25-15; Joey Dunn, 7-2-15; Hugh R. Walker, 07/10/2015

-APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 7-10-15

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 7/13/15



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM A COMBINATION OF SOUTH COLLEGE – BUSINESS DISTRICT (SC-B) AND SOUTH COLLEGE – RESIDENTIAL DISTRICT (SC-R) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H) ON 4.425 ACRES OF LAND OUT OF THE J.E. SCOTT LEAGUE, A-50, ADJOINING THE WEST SIDE OF OLD COLLEGE ROAD BETWEEN SOUTH COLLEGE AND MOBILE AVENUES IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 for 4.425 acres of land out of the J.E. Scott League, A-50, adjoining the west side of Old College Road between South College and Mobile Avenues in Bryan, Brazos County, Texas; was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on June 4, 2015;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from a combination of South College – Business District (SC-B) and South College – Residential District (SC-R) to Planned Development – Housing District (PD-H) on 4.425 acres of land out of the J.E. Scott League, a-50, adjoining the west side of old college road between south college and mobile avenues in Bryan, Brazos County, Texas, said 4.425 acres being described more particularly on attached Exhibit “A”, and subject to development requirements specified in attached Exhibit “B” and depicted on attached Exhibit “B-1” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 28th day of July, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 4th day of August, 2015 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT "A":

**METES AND BOUNDS DESCRIPTION
OF A
4.435 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, A-50, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 2.05 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BONA FIDE ACQUISITIONS, LLC RECORDED IN VOLUME 12122, PAGE 89 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND ALL OF A CALLED 2.375 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BONA FIDE ACQUISITIONS, LLC RECORDED IN VOLUME 12354, PAGE 201 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID 2.05 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 12.95 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BIG MOOSE, LTD RECORDED IN VOLUME 2604, PAGE 174 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 69 BEARS: S 18° 47' 15" W FOR A DISTANCE OF 5370.99 FEET;

THENCE: ALONG THE COMMON LINE OF SAID 2.05 ACRE TRACT AND SAID 12.95 ACRE TRACT FOR THE FOLLOWING CALLS:

N 17° 54' 27" W FOR A DISTANCE OF 21.59 FEET (DEED CALL: N 15° 23' 51" W - 21.59 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND;

N 01° 04' 02" E FOR A DISTANCE OF 29.57 FEET (DEED CALL: N 03° 30' 37" E - 29.51 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND;

N 06° 33' 05" W FOR A DISTANCE OF 35.30 FEET (DEED CALL: N 04° 03' 37" W - 35.31 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND;

N 18° 19' 42" W FOR A DISTANCE OF 18.73 FEET (DEED CALL: N 15° 47' 40" W - 18.78 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 2.05 ACRE TRACT AND THE SOUTH CORNER OF THE REMAINDER OF A CALLED 1.702 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 1 BY A DEED TO THETA ZETA OF CHI PHI ALUMNI HOUSING ASSOCIATION RECORDED IN VOLUME 8578, PAGE 27 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 09° 31' 23" E ALONG THE COMMON LINE OF SAID 2.05 ACRE TRACT AND SAID REMAINDER OF CALLED 1.702 ACRE TRACT, PASS THE COMMON LINE OF SAID REMAINDER OF CALLED 1.702 ACRE TRACT AND THE REMAINDER OF A CALLED 2.301 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 2 BY SAID DEED, 8578/27, CONTINUE ON

ALONG THE COMMON LINE OF LINE OF SAID 2.05 ACRE TRACT AND SAID REMAINDER OF CALLED 2.301 ACRE TRACT FOR A TOTAL DISTANCE OF 315.04 FEET (DEED CALL: N 12° 00' 25" E - 315.00 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND IN ASPHALT;

THENCE: CONTINUE ALONG SAID COMMON LINE FOR THE FOLLOWING CALLS:

N 51° 21' 14" E FOR A DISTANCE OF 152.71 FEET (DEED CALL: N 53° 50' 42" E - 152.87 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE ORIGINAL NORTH CORNER OF SAID 1.702 ACRE TRACT BEARS: S 22° 04' 57" E FOR A DISTANCE OF 19.97 FEET;

N 22° 19' 43" W FOR A DISTANCE OF 193.22 FEET (DEED CALL: N 19° 51' 27" W - 193.20 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF A CALLED 1.928 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO GH2M VENTURES, LLC RECORDED IN VOLUME 9749, PAGE 208 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID 2.05 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING A NORTHWEST CORNER OF SAID 1.928 ACRE TRACT BEARS: S 57° 36' 59" W FOR A DISTANCE OF 98.88 FEET (TOTAL DEED CALL: S 60° 08' 56" W - 270.15 FEET, 9749/208);

THENCE: N 57° 41' 42" E ALONG THE COMMON LINE OF SAID 1.928 ACRE TRACT AND SAID 2.05 ACRE TRACT FOR A DISTANCE OF 171.29 FEET (DEED CALL: N 60° 08' 56" E - 171.39 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF SAID 2.05 ACRE TRACT;

THENCE: S 18° 29' 35" E CONTINUING ALONG THE COMMON LINE OF SAID 1.928 ACRE TRACT AND SAID 2.05 ACRE TRACT, PASS THE COMMON CORNER OF SAID 2.05 ACRE TRACT AND SAID 2.375 ACRE TRACT, CONTINUE ON ALONG THE COMMON LINE OF SAID 1.928 ACRE TRACT AND SAID 2.375 ACRE TRACT FOR A TOTAL DISTANCE OF 270.83 FEET TO A 1/2 INCH IRON ROD SET MARKING THE SOUTH CORNER OF SAID 1.928 ACRE TRACT AND THE WEST CORNER OF LOT 2, TRIANGLE SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 312, PAGE 281 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A CHAIN LINK FENCE POST FOUND BEARS: S 40° 22' 34" W FOR A DISTANCE OF 0.73 FEET AND A COTTON SPINDLE FOUND IN ASPHALT MARKING THE EAST CORNER OF SAID 1.928 ACRE TRACT BEARS: N 71° 34' 13" E FOR A DISTANCE OF 200.02 FEET;

THENCE: S 18° 29' 35" E ALONG THE COMMON LINE OF SAID 2.375 ACRE TRACT AND SAID LOT 2 FOR A DISTANCE OF 150.00 FEET (PLAT CALL: S 15° 53' 34" E - 150.00 FEET, 312/281) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID LOT 2;

THENCE: N 71° 34' 18" E ALONG THE COMMON LINE OF SAID 2.375 ACRE TRACT AND SAID TRIANGLE SUBDIVISION FOR A DISTANCE OF 199.98 FEET (PLAT CALL: N 74° 06' 26" E - 200.00 FEET, 312/281) TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF OLD COLLEGE ROAD MARKING THE EAST CORNER OF LOT 3 OF SAID TRIANGLE SUBDIVISION;

THENCE: S 18° 13' 19" E ALONG THE SOUTHWEST LINE OF OLD COLLEGE ROAD FOR A DISTANCE OF 96.75 FEET (DEED CALL: S 15° 39' 41" E - 96.80 FEET, 12354/201) TO A 1/2 INCH IRON ROD FOUND BENT;

THENCE: S 00° 29' 11" E CONTINUING ALONG THE SOUTHWEST LINE OF OLD COLLEGE ROAD FOR A DISTANCE OF 153.37 FEET (DEED CALL: S 20° 03' 25" E - 153.39 FEET, 12354/201) TO A 3/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID 2.375 ACRE TRACT AND THE EAST CORNER OF A CALLED 0.52 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO TWIN CITY MISSION, INC. RECORDED IN VOLUME 4381, PAGE 186 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 83° 12' 10" W ALONG THE SOUTHWEST LINE OF SAID 2.375 ACRE TRACT FOR A DISTANCE OF 451.26 FEET (DEED CALL: N 79° 56' 24" W - 458.14 FEET, 12354/201) TO A 1/2 INCH IRON PIPE FOUND ON THE SOUTHEAST LINE OF SAID 2.05 ACRE TRACT MARKING THE SOUTHWEST CORNER OF SAID 2.375 ACRE TRACT AND THE NORTH CORNER OF A CALLED 1.767 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS, LODGE NO. 2096 RECORDED IN VOLUME 226, PAGE 141 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 09° 31' 07" W ALONG THE COMMON LINE OF SAID 2.05 ACRE TRACT AND SAID 1.767 ACRE TRACT FOR A DISTANCE OF 243.84 FEET (DEED CALL: S 12° 00' 25" W - 243.84 FEET, 12122/89) TO A 3/4 INCH IRON PIPE FOUND;

THENCE: S 09° 33' 55" W CONTINUING ALONG SAID COMMON LINE FOR A DISTANCE OF 43.54 FEET (DEED CALL: S 12° 16' 10" W - 43.69 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND BENT ON THE NORTHEAST LINE OF MOBILE AVENUE (50' R.O.W.) MARKING THE SOUTHEAST CORNER OF SAID 2.05 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 1.767 ACRE TRACT. FOR REFERENCE, A 3/8 INCH IRON ROD FOUND BEARS: N 51° 10' 27" W FOR A DISTANCE OF 2.53 FEET;

THENCE: N 69° 38' 38" W ALONG THE NORTHEAST LINE OF MOBILE AVENUE FOR A DISTANCE OF 91.59 FEET (DEED CALL: N 67° 04' 24" W - 91.50 FEET, 12122/89) TO THE **POINT OF BEGINNING** CONTAINING 4.435 ACRES OF LAND, AS SURVEYED ON THE GROUND MARCH, 2015. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

**EXHIBIT “B”:
Planned Development – Housing (PD-H) District**

GENERAL PURPOSE AND DESCRIPTION

The North Campus Subdivision is proposed to be a single-family residential development with detached dwelling units for student living. It is intended to have a higher density than a typical single-family development with detached units. In order to achieve the higher density the reduced setbacks for the South College Zoning Districts will be utilized as well as lots with less than a 50’ width.

SECTION 1: LAND USES

The following range of land uses shall be permitted by right in this PD-H District:

- Single-family detached dwelling units
- Accessory structures (<120 sq. ft.)
- Open space/storm water detention area
- Common area with a minimum of 5 off-street parking spaces and amenities (e.g., private recreational center, swimming pool, game room, or similar facility).

SECTION 2: PHYSICAL DEVELOPMENT

Physical development in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to single-family homes on properties zoned South College – Residential District (SC-R). The following additional standards shall be applicable:

1. Lot Dimension and Building Setbacks
 - a. Minimum lot size = 5,000 square feet
 - b. Minimum lot depth = 30 feet
 - c. Minimum lot width = 45 feet
 - d. Front Building Setback = 15 feet
 - e. Side Building Setback = 5 feet
 - f. Side Street Building Setback = 10 feet
 - g. Rear Building Setback = 5 feet
2. The minimum width for public street right-of-way shall be 30 feet.
3. A 6-foot wide sidewalk shall be provided on only one side of the street as shown on the development plan and shall be located adjacent to the street curb.
4. No on-street parking shall be allowed adjacent to Common Area 1 and Lots 13 through 18.
5. Lots 1 through 8 and 15 through 18 shall have off-street parking to the rear of the detached dwelling units.
6. One 3-inch caliper canopy tree shall be installed in the front yard of each lot prior to the issuance of a Certificate of Occupancy, and a minimum of two such trees shall be installed in Common Area 1 prior to the recording of any final plats for this subdivision.
7. Six 3-inch caliper trees shall be installed along the property line adjacent to Old College Road (not including the two trees required by no. 6 above).
8. A 6-foot high wrought iron fence shall be constructed along the property line along Old College Road with 2-foot by 2-foot wide and 6-foot tall masonry columns spaced at 10-foot intervals.

9. One 5-foot tall by 8-foot wide freestanding subdivision sign shall be allowed near the intersection of the new public street and Old College Road. Any such sign shall comply with sight distance requirements of the Bryan Code of Ordinances.
10. The property shall be developed in accordance with the attached development plan.
11. Unless otherwise specified in the approved development plan the minimum requirements for the development shall be those stated in the requirements of the South College – Residential District (SC-R).

SECTION 3: SUBDIVISION OF LAND

The subdivision of land in this PD-H District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances. Subdivision of the property into single-family residential lots shall be permitted as per the adopted development plan drawing.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF JUNE 4, 2015:**

6. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ15-05: Bona Fide Acquisitions, LLC

A request to change the zoning classification of 4.425 acres from a combination of South College – Business District (SC-B) and South College – Residential District (SC-R) to Planned Development – Housing District (PD-H) on 4.425 acres of land out of the J.E. Scott League, A-50, adjoining the west side of Old College Road between South College and Mobile Avenues in Bryan, Brazos County, Texas. (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Hilgemeier responded:

- the proposed development will meet parking requirements for the amount of bedrooms provided; and
- the proposed street width and turnaround radius will meet emergency vehicle standards.

The public hearing was opened.

Mr. Conrad Pauling, 4700 Night Rain Drive, College Station, Texas, spoke on behalf of the Elks Lodge in opposition to the rezoning request. Mr. Pauling stated:

- his concern that residents living in the proposed housing will use the Elk Lodge parking lot as overflow parking; and
- the potential increase in crime due to the influx of students in the area.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-05 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Madison seconded the motion.

Commissioners discussed

- parking requirements are being met and therefore parking overflow should not affect the Elks Lodge; and
- housing is needed for students within two miles of Texas A&M University and student housing should be expected in the vicinity of the subject property.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**



June 4, 2015

Rezoning case no. RZ15-05: Bona Fide Acquisitions, LLC

CASE DESCRIPTION: a request to change the zoning classification from a combination of South College – Business District (SC-B) and South College – Residential District (SC-R) to Planned Development – Housing District (PD-H)

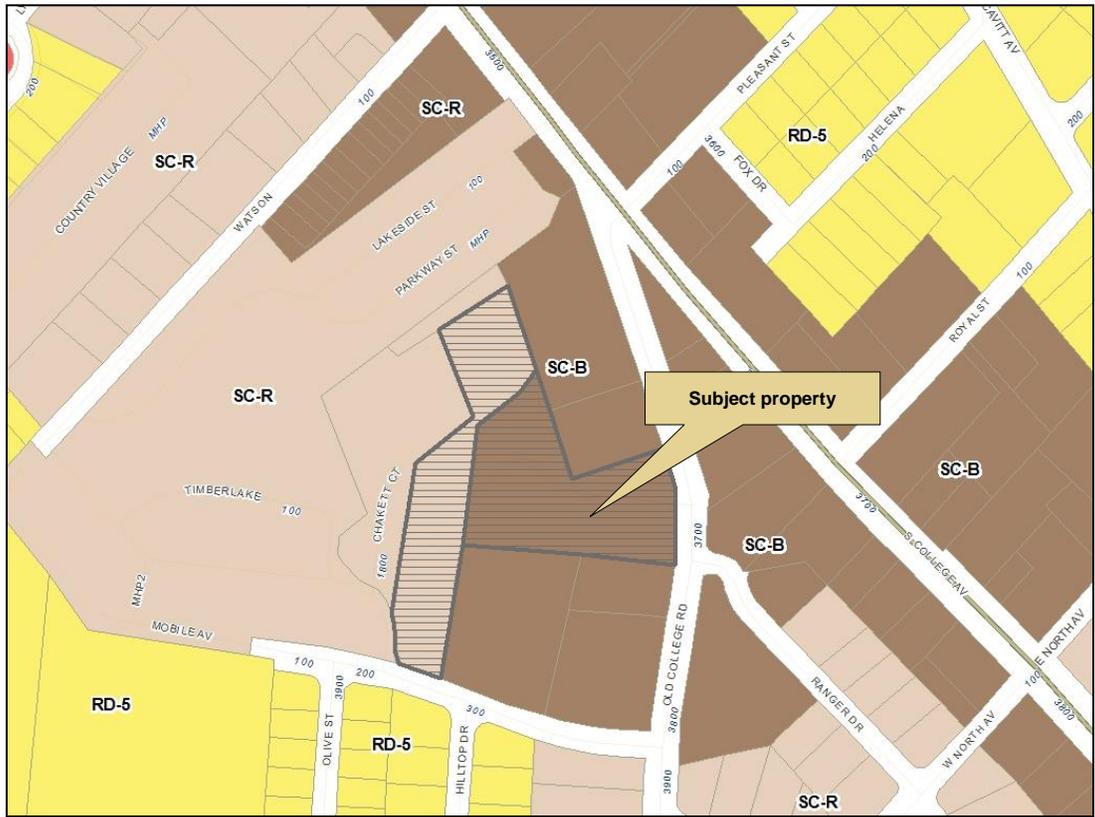
LOCATION: 4.425 acres of land out of the J.E. Scott League, A-50, adjoining the west side of Old College Road between South College and Mobile Avenues

PROPERTY OWNER(S): Bona Fide Acquisitions, LLC

APPLICANT(S): Justin Whitworth

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested zoning change.



BACKGROUND:

The applicant/property owner, Justin Whitworth of Bona Fide Acquisitions, LLC has assembled ownership of the subject property which consists of currently two lots totaling 4.425 acres in size. Mr. Whitworth is requesting to change the zoning classification from a combination of South College – Business District (SC-B) and South College – Residential District (SC-R) to Planned Development – Housing District (PD-H) in order to be able to develop a single-family residential subdivision with 18 lots ranging in size from 5,425 square feet to 8,312 square feet at this location.

The subject property is located in the South College Corridor Overlay District and consists of two lots, with the easternmost 2.375 acres along Old College Road being zoned SC-B District, and the westernmost 2.05 acres, generally north of Mobile Avenue, being zoned SC-R District. The front 2.375 acre lot along Old College Road is adjoined by properties to the north and south which are also zoned SC-B District. The property to the north is developed with commercial strip shopping center and properties to the south are currently occupied by a donation drop off location for Twin City Mission, an indoor self-service storage business, and a fraternal organization (Elks Lodge). The remaining 2.05-acre portion of the subject property is adjoined by property to the west and north that is also zoned SC-R. While a majority of the neighboring property is developed as the Timberlake Mobile Home Park which consists of 114 manufactured home units, a portion (1.95 acres) of this area is currently being used developed as a fraternity house (Chi Phi). South of the subject property, across Mobile Avenue, properties are zoned Residential District – 5,000 and developed with single-family residential homes. East, across Old College Road, properties are zoned SC-B District and developed with restaurant uses (The Chicken Oil Company and J Cody’s). A small retail strip shopping center is located southeast across Old College Road from the subject property.



Both lots have remained undeveloped since the City adopted the South College zoning classifications in 2004. Prior to the adoption of the South College Districts, these properties were zoned for residential use.

In 2012, the Planning and Zoning Commission approved a Conditional Use Permit request to allow a 48 unit multi-family development on this property (case no. CU12-12). That request had been made by a previous owner for the front portion of the property along Old College Road. That project, however, never materialized. Since then, property ownership has changed and the new owner/applicant is interested in developing the subject property with single-family homes. Mr. Whitworth, is a local home builder who specializes in developing single-family housing units marketed towards the student population of Bryan and College Station.

The proposed development (“North Campus Subdivision”) will consist of 20 lots, 18 of which are proposed to be developed with four-bedroom homes. One lot will be developed with an amenity center and off-street parking and another lot will be utilized for required storm water detention. While none of the proposed lots are smaller than the standard 5,000 square feet size typically required for single-family residential lots in Bryan, due to the irregular shape of the overall subject property and the desire of the applicant to maximize development opportunities, lot widths and lot depths are proposed to vary from the standard 50-foot by 100-foot requirement.

Single-family residential uses are allowed in the SC-B District with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicant and staff have been discussing the proposed development for several months and agreed that developing single-family residential use in a PD-H District here at a higher density is not only desirable but also supported by standard land use principles articulated in the Comprehensive Plan. Due to the overall configuration of the subject property, if all lots were developed to the City of Bryan’s standard lot dimensions required for single-family residential lots, only 11 and not 18 residences could be built here.

PROPOSED PD-H ZONING:

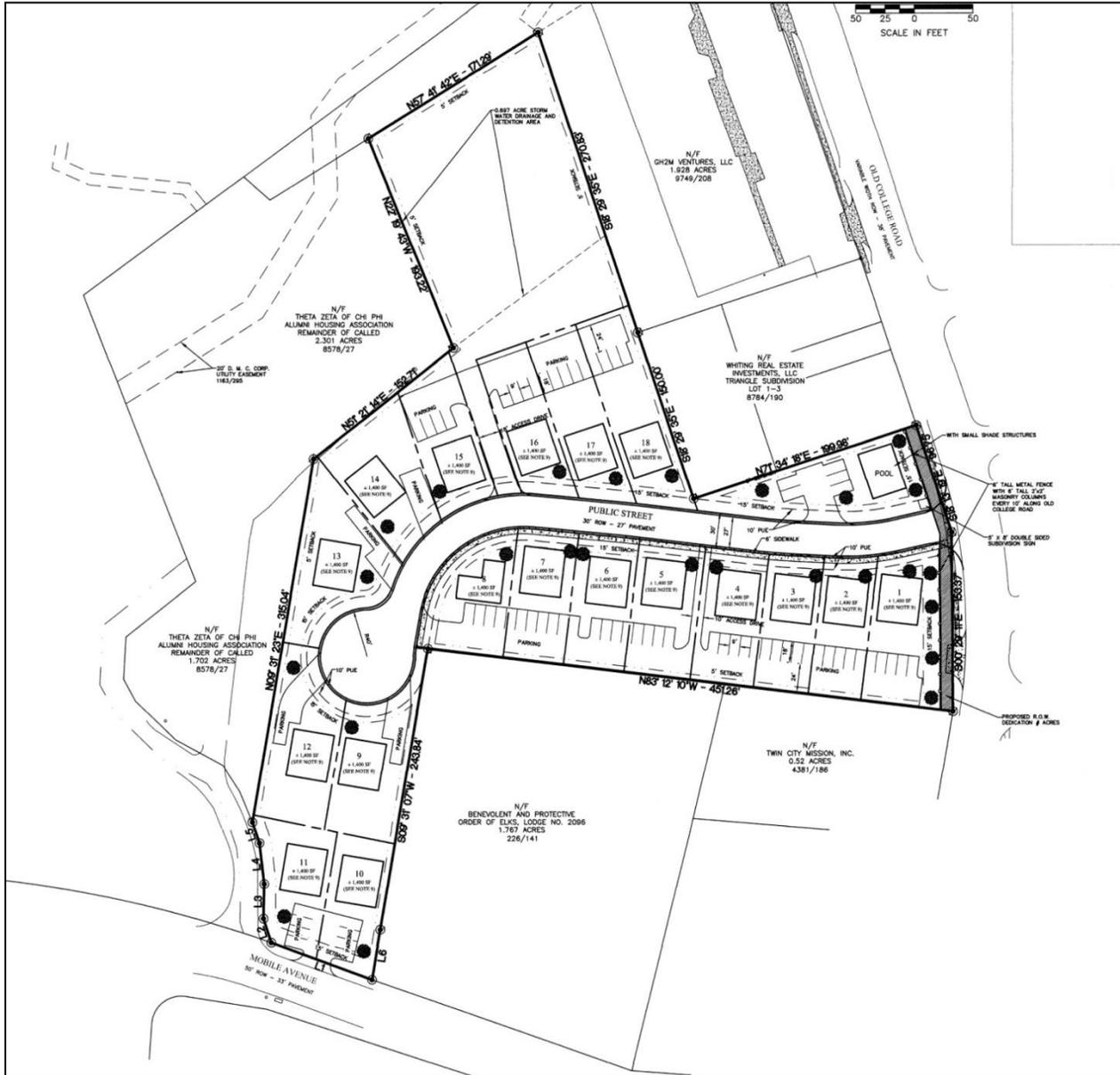
The proposed development plan would allow the construction of 18 new single-family structures on lots varying in size from 5,425 square feet to 8,761 square feet. The minimum allowed lot width for this proposed subdivision is proposed to be 45 feet width; with a minimum lot depth of 30 feet. In an effort to bring the proposed structures as close to the new local street, proposed to extend west from Old College Road, as possible and to provide room for off-street parking to the rear of the new homes, public right-of-way in this subdivision is proposed to be only 30-feet wide instead of the typical 50 feet. These modified lot standards will allow the applicant to have adequate room for off-street parking to the rear of the structures for Lots 1 through 8 and Lots 15 through 18. The desired intent to install parking in the rear of the properties is the creation of a pedestrian-friendly environment along this small street, while still providing an area for a back yard/open space on each property. Due to their configurations, Lots 9 through 13 are proposed to have off-street parking areas located in front of structures. Lots 10 and 11 will have a shared driveway due to their proximity to Timberlake Drive which serves the adjacent mobile home park.

Other features of the proposed development are:

1. An amenity center with additional off-street parking in a common area along Old College Road (Common Area 1) will be available for residents and their visitors to reduce the need for on-street parking.

2. A 6-foot wide sidewalk will be provided on only one side of the street, as shown on the development plan and is proposed to be adjacent to the street curb to provide more green space in front of homes.
3. On-street parking is will be prohibited along Common Area 1 and adjacent to Lots 13 through 18.
4. One 3-inch caliper canopy tree will be installed in the front yard of each lot and a minimum of 2 trees in Common Area 1.
5. Six 3-inch caliper trees will be installed along the property line adjacent to Old College Road.
6. A 6-foot high wrought iron fence will be constructed along Old College Road with masonry columns spaced at 10-foot intervals.
7. The front of homes facing the new public street shall be offset by a minimum of 2 feet, either closer to, or further away from the street, than the home on adjacent lot(s), to help break the visual plane of the street.

PROPOSED DEVELOPMENT PLAN



PROPOSED DEVELOPMENT REQUIREMENTS/PERMITTED USES:

General Purpose and Description.

The North Campus Subdivision is proposed to be a single-family residential development with detached dwelling units for student living. It is intended to have a higher density than a typical single-family development with detached units. In order to achieve the higher density the reduced setbacks for the South College Zoning Districts will be utilized as well as lots with less than a 50' width.

Permitted Uses:

- Single-family detached dwelling units
- Accessory structures (<120 sq. ft.)
- Open space/storm water detention area
- Common area with a minimum of 5 off-street parking spaces and amenities (e.g., private recreational center, swimming pool, game room, or similar facility).

Conditional Uses:

- None

Other Regulations:

12. Lot Dimension and Building Setbacks
 - a. Minimum lot size = 5,000 square feet
 - b. Minimum lot depth = 30 feet
 - c. Minimum lot width = 45 feet
 - d. Front Building Setback = 15 feet*
 - e. Side Building Setback = 5 feet*
 - f. Side Street Building Setback = 10 feet*
 - g. Rear Building Setback = 5 feet*

(* same as in South College Districts)

13. The minimum width for public street right-of-way shall be 30 feet.
14. A 6-foot wide sidewalk shall be provided on only one side of the street as shown on the development plan and shall be located adjacent to the street curb.
15. No on-street parking shall be allowed adjacent to Common Area 1 and Lots 13 through 18.
16. Lots 1 through 8 and 15 through 18 shall have off-street parking to the rear of the detached dwelling units.
17. One 3-inch caliper canopy tree shall be installed in the front yard of each lot prior to the issuance of a Certificate of Occupancy, and a minimum of two such trees shall be installed in Common Area 1 prior to the recording of any final plats for this subdivision.
18. Six 3-inch caliper trees shall be installed along the property line adjacent to Old College Road (not including the two trees required by no. 6 above).
19. A 6-foot high wrought iron fence shall be constructed along the property line along Old College Road with 2-foot by 2-foot wide and 6-foot tall masonry columns spaced at 10-foot intervals.
20. One 5-foot tall by 8-foot wide freestanding subdivision sign shall be allowed near the intersection of the new public street and Old College Road. Any such sign shall comply with sight distance requirements of the Bryan Code of Ordinances.
21. The property shall be developed in accordance with the attached development plan.
22. Unless otherwise specified in the approved development plan the minimum requirements for the development shall be those stated in the requirements of the South College – Residential District.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported

by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

- Sustainable Mix of Land Uses - The Comprehensive Plan specifically refers need to locate land suitable for future residential and commercial uses.
- Infill - Bryan has a large inventory of parcels that were bypassed by development and remain undeveloped to this day. Since these parcels almost always have access to existing utilities, their development saves the cost of extending water and sewer service. Building within the urban core also lessens the number of vehicle trips that burden our thoroughfares. Infill was also seen as a way to revitalize older residential areas and was a topic of discussion at several public input venues.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The subject property lies along Old College Road which is identified as a major collector roadway on the City of Bryan's Thoroughfare Plan. The property adjoins single-family residential use in the adjacent Timberlake Mobile Home Park. While there are commercial uses developed on adjacent properties along Old College Road, the subject property has limited frontage on Old College Road making it difficult to find a commercial user, which is, perhaps, why this tract has remained undeveloped to date. In addition, there appears to be little to no demand for new commercial developments in the immediate area. Staff contends that due to the odd configuration of the subject property and due to an increasing demand for new housing within a 2-mile radius of Texas A&M University and Blinn College, the proposed change in zoning classification to allow a single-family residential subdivision at this location would be the most appropriate use for this property. The proposed development also appears to conform to land use recommendations of the Comprehensive Plan, which suggest the suitability of higher density residential uses located between commercial uses and residential uses of lower density, to provide a useful transition in land use intensities.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

The subject property adjoins Old College Road, a major collector roadway, which can be expected to be capable of accommodating the traffic load associated with an additional 18-unit residential development. Due to the subject property's proximity to Texas A&M University, and the existence of pedestrian facilities along Old College Road, it can be reasonably expected that some residents will use these facilities to travel to and from campus. None of the proposed lots will take direct access to Old College Road. The subject property has ample access to water and sewer line along Old College Road and will provide necessary fire protection to serve the area.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere

in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

The subject properties remain some of the only land the South College Corridor that are as of yet undeveloped. Recently, there has been some residential development in the vicinity of the subject property. The first phase of the Watson Lane Townhome development (13 townhome units) was approved by the Planning and Zoning Commission in 2013 and completed in 2014. The second phase of that development, consisting of 8 additional units was approved in 2015 and will begin construction this summer. City-wide, there is a moderate supply of vacant or underdeveloped property zoned for residential use available.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

In the last 5 years, there has been an increased demand for single-family style student housing options located in proximity to Texas A&M University and Blinn College. More specifically, there is an increased turnover in single-family neighborhoods within a one-half mile radius of Texas A&M campus from owner-occupied to rental housing. This proposed PD-H District may help serve to meet that demand and could reduce some of the pressure on land owners to convert owner-occupied housing in neighborhoods to rental housing, thereby preserving the character and integrity of some of Bryan's older, established neighborhoods.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Staff contends that other areas designated for similar development will be unaffected by the proposed zoning change. The adjacent parcels along Old College Road that remain zoned for commercial use should ultimately benefit from the increase in residential activity near their businesses. Again, this proposed development aims to meet the demand for student housing options that are not located within established owner-occupied neighborhoods.

6. Any other factors affecting health, safety, morals, or general welfare.

Negative factors not addressed by the proposed development plan have not been identified.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

Staff believes that the proposed residential use is compatible with existing land uses that are already established in the area. All proposed lots exceed the standard minimum 5,000 square foot lot size requirement and will provide adequate off-street parking. The maximum building height allowed will be 35-feet, which is the maximum height for detached single-family structures allowed in other residential districts of Bryan.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites

that cannot be mitigated by the provisions of this section.

Staff contends that the proposed development, other than an increase in desirable resident traffic, will not create unfavorable effects or impacts on existing or permitted uses on abutting sites.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. While the proposed single-family subdivision at this location will increase the flow of traffic at various times, Old College Road being a major collector roadway, can reasonably be expected to accommodate traffic loads typically associated with the proposed single-family residential use. Again, due to the existence of pedestrian facilities along Old College Road and then along College Main, it can be reasonable expected that residents will use these facilities to travel to the Texas A&M Campus.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff finds that the features of the proposed development plan reasonably protect adjacent properties from negative impacts from lighting. A maximum 40-square foot subdivision sign is proposed at the entrance of this development, which is 20 square feet smaller than what would be allowed if the property were to develop for commercial uses under the current SC-B District standards.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Staff finds that the existing City of Bryan site development standards will protect adjacent properties from the negative impacts of erosion, flood or water damage. Staff further finds that the features of the proposed development plan reasonably protect adjacent properties from noise, glare and similar impacts.

RECOMMENDATION:

Based on all of aforementioned considerations, staff recommends **approving** the proposed Planned Development – Housing District (PD-H).